

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Pasadena Avenue Monterey Road Committee for variance of General Order 143B and authority to explore and enter into negotiations for consideration and implementation pursuant to Public Utilities Code (PUC) §§ 1202, 7604 as a pilot project as permitted by SB 1491.

Application 03-01-013
(Filed January 16, 2003)

And Related Matters.

Application 03-07-049
(Filed July 25, 2003)
Application 03-07-050
(Filed July 25, 2003)

OPINION MODIFYING DECISION 05-02-032**Summary**

In these consolidated cases, we adopt an agreement among all active parties, the City of South Pasadena (City), the Los Angeles County Metropolitan Transportation Authority (LACMTA), the Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority), and Pasadena Avenue Monterey Road Committee (PAMRC), to make modifications to the technical specifications for the bells to be installed as part of the improvements to warning devices at the at-grade crossings in the City that were ordered in Decision (D.) 05-02-032.

Procedural Background

In D.05-02-032, we adopted, with some additional conditions, a settlement among the City, LACMTA, and the Construction Authority. The settling parties were required to make certain improvements to warning devices at the at-grade crossings in the City and to take other measures to reduce noise from the operations of light rail vehicles on LACMTA's Gold Line in the City. We also granted in part PAMRC's application to allow the bells on crossing gate arms at certain at-grade Gold Line crossings in the City to be silenced after the gate arms have descended.

On June 13, 2005, the City, LACMTA, the Construction Authority, and PAMRC filed a Joint Petition for Modification of D.05-02-032 (Joint Petition). The Joint Petition was addressed to Ordering Paragraph 2 in D.05-02-032, which provides:

2. Not later than 60 days from the date of this decision, the Construction Authority shall install noise shrouds on the bells at all crossings of the Los Angeles to Pasadena Metro Gold Line (Gold Line) in the City and shall ensure that the bells at all Gold Line crossings in the City meet the following criteria:
 - a. Each bell to be installed sounds at a level of 75-80 dBA when tested in accordance with the standards of the American Railway Engineering and Maintenance of Way Association.
 - b. In addition to meeting the sound level above, each bell to be installed sounds at a level of 76 +/- 1 dBA when tested once in an anechoic chamber at a distance of 10 feet from the face of the bell, after the shroud has been installed on the bell.

In the Joint Petition, the parties explain that, contrary to their expectations prior to the issuance of D.05-02-032, the bells to be installed could not reliably meet the requirements set out in Ordering Paragraph 2. The bells could reliably sound in the range of 75-80 dBA¹ when tested in accordance with the standards of the American Railway Engineering and Maintenance of Way Association (AREMA)², without the installation of the sound shrouds. The bells with the shrouds installed could sound in the range of 75-77 dBA at one point that is 10 feet from the face of the bell. But the bells could not reliably meet both criteria.

The Joint Petition proposes that the requirements in Ordering Paragraph 2 be changed to allow modifications to the bells during the testing process, so that the bells equipped with noise shrouds and installed at the Gold Line crossings in the City will have tested between 75 and 79 dBA, either in initial tests or as tested after they have been modified.

In a Supplement to Joint Petition for Modification of Decision 05-02-032 (Supplement), filed July 8, 2005, the parties submitted results from several tests

¹ Sound intensity is measured using “decibels.” The A-weighted decibel (dBA) measure takes into account the sensitivity of human hearing, which does not hear all sound frequencies equally. Sounds ranging from approximately 3 dBA to 140 dBA fall within human hearing range. The scale is logarithmic: an increase in 10 dBA means that the sound is perceived as twice as loud.

² In relevant part, these standards provide that measurement of an electronic grade crossing bell be made “in a 360-degree plane the peak sound reading in decibels (A scale) measured in an Anechoic test chamber at a point 10 feet from the face of the sound horn and in increments of 20 degrees . . . ” AREMA, Communications & Signals Manual of Recommended Practice (2002), vol. 1, Part 3.2.61, Recommended Design Criteria for an Electronic Highway-Rail Grade Crossing Bell, ¶G.5.

of the bells to further illustrate the problems and to support the proposals in the Joint Petition.

Discussion

In D.05-02-032, the requirements for the bells were adopted as a result of comments from the parties on the proposed decision. After we issued D.05-02-032, the Construction Authority conducted more extensive testing and discovered that it could not comply with these requirements. All active parties have had the opportunity to be present at the testing and to review the Construction Authority's analysis. They all agree with the Construction Authority's analysis of the technical difficulty of adjusting the bells to be within the sound parameters when shrouds are installed on the bells at the crossings. They also endorse, through the Joint Petition, the Construction Authority's proposed solution of selective recalibration of the loudness of the bells in certain circumstances.

We treat the Joint Petition, filed by all active parties, as an uncontested settlement³ in accordance with Rules 51 and 51.1 of the Rules of Practice and Procedure.⁴ The bells settlement is a reasonable response to an unforeseen technical issue in implementing the original intent of the parties, as expanded by our requirement in D.05-02-032 of quantitative performance measures for the loudness of the bells. The parties' proposed solution is supported by the results of testing filed in the Supplement. Allowing the implementation of this solution

³ To distinguish it from the settlement underlying D.05-02-032, we will refer to this as the "bells settlement."

⁴ Unless otherwise indicated, all subsequent citations to rules refer to the Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

will serve the public interest by reducing the loudness of the bells without compromising safety standards for warning devices at light rail crossings.

As provided in Rule 51.8, our adoption of the bells settlement is binding on the parties to this proceeding, but “does not constitute approval of, or precedent regarding, any principle or issue in the proceeding or in any future proceeding.” We note in particular that the complex testing procedure set forth in the bells settlement is the result of an unusual set of circumstances and design requirements that is unlikely to occur in the future.

Comments on Proposed Decision

Because this is an uncontested matter in which this decision grants the relief requested, in accordance with Pub. Util. Code § 311(g)(2) and Rule 77.7(f)(2) of the Rules of Practice and Procedure, the public comment period has been waived.

Assignment of Proceeding

Susan P. Kennedy is the Assigned Commissioner and Anne E. Simon is the assigned ALJ in this proceeding.

Finding of Fact

The provisions of the bells settlement are reasonable in light of the whole record in this proceeding.

Conclusions of Law

1. Consistent with Rule 51.1(e), the bells settlement is reasonable in light of the whole record, consistent with law, and in the public interest, and should be adopted.
2. In order to allow installation of the new bells to proceed expeditiously, this order should be effective immediately.

O R D E R**IT IS ORDERED** that:

1. The settlement embodied by the Joint Petition for Modification of Decision 05-02-032, filed June 13, 2005 by the Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority), Los Angeles County Metropolitan Transportation Authority, City of South Pasadena, and Pasadena Avenue Monterey Road Committee, is approved.

2. Ordering Paragraph 2 of Decision (D.) 05-02-032 is deleted and replaced with the following:

2. Not later than 60 days from the date of this decision, the Construction Authority shall install noise shrouds on the bells at all crossings of the Los Angeles to Pasadena Metro Gold Line (Gold Line) in the City and shall ensure that the bells at all Gold Line crossings in the City meet the following criteria:
 - a. Each bell to be installed sounds at a level of 75.0-79.0 dBA when tested in accordance with the guidelines of the American Railway Engineering and Maintenance of Way Association.
 - b. Such testing shall be conducted in the following manner:
 - i. Each bell will be tested in accordance with AREMA guidelines prior to installation of the noise shroud.
 - ii. If the sound measured at the location in the 360 degree plane with the lowest measured sound level is below 75.0 dBA or above 76.0 dBA, the bell will be adjusted to produce a measured sound level at that location that is between 75.0 dBA and 76.0 dBA.

iii. After the adjustment described in (b)(ii) above, the location in the 360 degree plane with the highest measured sound level will be retested to ensure that the sound level at that location is no higher than 79.0 dBA.

c. Bells that sound at a level of 75.0-79.0 dBA either as initially tested or as tested after the adjustments provided for above shall be equipped with noise shrouds and installed in the field.

3. The Construction Authority shall comply with modified Ordering Paragraph 2 of D.05-02-032 not later than 30 days from the effective date of this decision.

4. The Construction Authority shall comply with Ordering Paragraph 3 of D.05-02-032 not later than 45 days from the effective date of this decision.

5. Application (A.) 03-01-013, A.03-07-049, and A.03-07-050 are closed.
This order is effective today.

Dated _____, at San Francisco, California.